

REMARKS

Claims 4-11, 14-20 and 22-26 are pending in the subject application. Applicant respectfully requests that the finality of the Office Action be withdrawn and traverses the rejections of the pending claims for the reasons set forth below.¹

I. Information Disclosure Statement

The Examiner did not indicate that two references listed on the Form PTO-1449 filed with the Information Disclosure Statement on August 26, 2002, were considered. Applicant respectfully requests that the Examiner consider EP0996253A2 and WO 00/56055, initial the respective boxes on the Form PTO-1449, sign the form, and return the form to the Applicant.

II. Finality of the Office Action

Applicant respectfully requests that the finality of the Office Action be withdrawn because the Examiner has not responded to Applicant's arguments made in the Amendment filed November 13, 2007. Pursuant to M.P.E.P. § 707.07(f) ("Answer All Material Traversed"), "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

In the present Office Action, the Examiner repeats the previous rejection based on *Dillingham* to support the rejection of claims 7 and 14. The rejection of claims 7 and 14 is only different due to the addition of *Gupta* to the purported combination of *Deen*, *McChesney* and *Dillingham*. But *Gupta*'s disclosure is not relied on by the Examiner to reject the subject matter recited in claims 7 and 14. As such, the addition of *Gupta* does not make Applicant's arguments directed to *Dillingham* moot. Applicant, therefore, respectfully requests that the finality of the Office Action be withdrawn so that Applicant is given a full and fair opportunity to respond to the Examiner's arguments with regard to *Dillingham*'s alleged disclosure of the features recited in claims 7 and 14. (See M.P.E.P. § 706.07.)

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

III. Rejections Under 35 U.S.C. § 103(a)

A. Rejection of Claims 4-6

Applicant traverses the rejection of claims 4-6 under 35 U.S.C. §103(a) as allegedly not being patentable over U.S. Patent No. 6,629,127 to *Deen* et al. ("*Deen*") in view of U.S. Application Publication No. 2001/0027492 by *Gupta* and U.S. Patent No. 5,857,102 to *McChesney* et al. ("*McChesney*").

The Office Action concedes that *Deen* does not teach "at the server retriev[ing] the data," "transferring [the] data from the server" and "administrative data about [the] server." (Office Action, p. 3.) Accordingly, *Deen* does not disclose or suggest "generating at the client an HTTP path name having an identity of a container within the server that contains administrative data about the server," "processing at the server the HTTP path name to retrieve the administrative data from the identified container of the server if the HTTP path name includes the identity of the container" and "transmitting the administrative data from the server to the client," as recited in Applicant's claim 4.

In addition, *Deen* fails to disclose or suggest "determining at the server whether the HTTP path name includes the identity of the container of the server" (emphasis added), as recited in claim 4. *Deen* describes mapping a URL or a virtual namespace contained in the client's request to one or more physical locations where requested resources associated with the URL/namespace are located. (*Deen* at cols. 4:35-44, 11:52-59.) The resources are unified under a common namespace used by a client request. (*Id.* at col. 11:45-52.) As such, when a server receives a request containing a virtual namespace, it maps the virtual namespace to one or more physical locations where the physical resources are located. (*Id.* at col. 11:52-59.) In other words, a client request merely identifies a resource, but not "the identity of the container of the server." Accordingly, *Deen* does not disclose or suggest an "HTTP path name include[ing] the identity of the container of the server," as recited in claim 4.

The Examiner apparently relies on *Gupta* for its alleged disclosure of a server retrieving data and transferring the data from the server. (Office Action, p. 3.) But the Examiner concedes that *Gupta* does not disclose or suggest "administrative data about [the] server." (Office Action, p. 3.) In addition, *Gupta* fails to disclose or suggest, "generating at the client an HTTP path name having an identity of a container within the server," as recited in claim 4.

Gupta describes a method that ensures requests for pages for a particular domain name are routed through the same proxy server. (*Gupta*, p. 2, ¶ 0016.) In particular, "When a client needs to access a resource through a proxy server, the client truncates the address (e.g., the URL) of the resource. Thus, for example, all addresses in a particular domain name are truncated to the same value." (*Gupta*, p. 2, ¶ 0018, emphasis added.) A truncated address of a proxy server cannot be considered to disclose or suggest "an HTTP path name having an identity of a container within the server," as recited in claim 4. As such, *Gupta* fails to disclose this feature of claim 4 as well.

Moreover, because *Gupta* does not disclose or suggest the claimed "generating at the client an HTTP path name" or "administrative data about the server," *Gupta* also cannot disclose or suggest, "transmitting the HTTP path name from the client to the server," "determining at the server whether the HTTP path name includes the identity of the container of the server," "processing at the server the HTTP path name to retrieve the administrative data from the identified container of the server if the HTTP path name includes the identity of the container," as recited in Applicant's claim 4.

McChesney does not cure *Deen's* and *Gupta's* deficiencies. *McChesney* is relied on for its purported disclosure of "administrative data about [a] server." (Office Action, pp. 3-4.) However, *McChesney* neither discloses nor suggests the above-identified features of claim 1 missing from *Deen* and *Gupta*, and the Examiner does not assert that *McChesney* provides such disclosure or suggestion. Accordingly, when *Deen*, *Gupta* and *McChesney* are taken

alone or in combination, these references do not disclose or suggest, at least, "generating at the client an HTTP path name having an identity of a container within the server" and "processing at the server the HTTP path name to retrieve the administrative data from the identified container of the server if the HTTP path name includes the identity of the container," as recited in Applicant's claim 4. Thus, the purported combination cannot support a rejection of claim 4 under 35 U.S.C. § 103(a). (*See* M.P.E.P. § 2143.)

Furthermore, one of ordinary skill in the art would have no reason to make the purported combination of *Deen, Gupta* and *McChesney*. M.P.E.P. § 2142 states, "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious" (*citations omitted*). In the Office Action, it appears the Examiner's purported combination is based on a rationale that *Deen, Gupta* and *McChesney* can be combined according to known methods to predictably result in the subject matter of Applicant's claim 4. Applicant disagrees.

M.P.E.P. § 2142(a) states that the Examiner must articulate the following to support a rejection under this rationale:

- (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;
- (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and
- (4) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

As set forth above, the purported combination of references does not disclose or suggest all the features of Applicant's claims. Additionally, Applicant respectfully submits that the Examiner has failed to articulate, at least: that each element of the applied references performs the same function as it would separately; that one of ordinary skill in the art could have combined the applied references; and that the result of the purported combination would have been recognized as predictable by one of ordinary skill in the art. Therefore, the Examiner has failed to establish a *prima facie* case for rejecting Applicant's claims under 35 U.S.C. § 103(a) and the rejection should be withdrawn for at least this reason.

As noted above, *Deen* discloses a request having a URL or virtual namespace which is used to map the request to a physical location. (*Deen*, cols. 4,:35-44,11:52-59.) *Gupta*, however, discloses that a client truncates the address (e.g., the URL) of the resource. (*Gupta*, p. 2, ¶ 0018.) But truncating the address of a resource, as taught by *Deen*, would make *Deen's* method inoperable since the address is required to map a request to a location. Accordingly, the purported combination of *Deen* and *Gupta* could not be combined by known methods and the result would not be predictable. Indeed, the combination would render *Deen* unsatisfactory for its intended purpose. *McChesney's* disclosure does not cure the issue of combining *Deen* and *Gupta*. As such, the purported combination of *Deen*, *Gupta* and *McChesney* cannot support a rejection of claim 4 under 35 U.S.C. § 103(a) and, the rejection should be withdrawn for this additional reason.

Applicant respectfully submits that the Examiner's only motivation for combining selective portions of *Deen*, *Gupta* and *McChesney* in the manner purported was based on knowledge gleaned from Applicant's own disclosure. (*See, e.g.*, Specification, pp. 3-4.) Such hindsight reconstruction is improper and, therefore, the rejection under Section 103 should be withdrawn for this reason also.

Claim 23, although of different scope than claim 4, recites features similar to those recited in claim 4. Accordingly, claim 23 is allowable for the same reasons set forth above with regard to claim 4.

Claims 22 and 24-26 are allowable at least due to their corresponding dependence from claim 4 and 23.

B. Rejection of Claims 7, 11-14 and 18

Applicant traverses the rejection of claims 7, 11-14 and 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over the purported combination of *Deen, Gupta* and *McChesney*, in view of U.S. Patent No. 6,327,608 to *Dillingham*.

Claim 11, although of different scope than claim 4, recites subject matter similar to that recited in claim 4. As set forth above, the purported combination of *Deen, Gupta* and *McChesney* cannot support a rejection of claim 4 under Section 103. Accordingly, this combination also cannot support a rejection of claim 11 for the same reasons. *Dillingham* does not overcome the deficiencies of the purported combination. *Dillingham* is relied on for its alleged teaching of transmitting an HTML page if a container is not identified within an HTTP path name. (Office Action, p. 5.) But *Dillingham* does not disclose or suggest the above-noted features of claim 4 absent from *Deen, Gupta* and *McChesney*, and the Examiner does not rely on *Dillingham* for such disclosure or suggestion. Accordingly, the purported combination of *Deen, Gupta, McChesney* and *Dillingham* cannot support a rejection of claim 11 under 35 U.S.C. § 103.

Claim 18, although of different scope than claims 4 and 11, recites features similar to those recited in claims 4 and 11. Claim 18 is, therefore, allowable over the purported combination of *Deen, Gupta, McChesney* and *Dillingham* for the same reasons as given for claim 11.

Dependent claims 7 and 14 are allowable over the *Deen, Gupta, McChesney* and *Dillingham* at least due to their respective correspondence from claims 4 and 11. Moreover, *Dillingham* does not disclose or suggest a "server transmit[ing] an HTML page if a container is not identified within the HTTP path name," as recited in claims 7 and 14. In particular, the Examiner apparently asserts that this feature is taught by *Dillingham's* disclosure of a server that returns an error message in an HTTP response to a client if a query path passed to the server via an HTTP request is not a real path within the physical directories of the file system. (Office Action, p. 4, citing *Dillingham* col. 7:61-63.) Applicant disagrees.

The determination that results in the error message is based on whether the specified path exists in the physical file directory. Thus, *Dillingham* cannot be considered to disclose or suggest "a container of the server is identified within the HTTP path," as recited in claims 7 and 14. Thus, *Dillingham* in combination with *Deen, Gupta* and *McChesney* does not teach or suggest all the limitations of claims 7 and 14. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §103(a) of claims 7 and 14 be withdrawn.

C. Rejections of Claims 8-10, 15-17, 19 and 20

Applicant traverses the rejection of claims 8-10, 15-17, 19-20 under 35 U.S.C. §103(a) as allegedly not being patentable over the purported combination of *Deen, Gupta* and *McChesney*, variously in view of *Dillingham*, U.S. Patent No. 5,999,943 to *Nori et al.* ("*Nori*") and U.S. Patent No. 6,622,170 to *Harrison et al.* ("*Harrison*").

Claims 8-10, 15-17, 19 and 20 variously depend from claims 4, 11 and 18. Accordingly, claims 8-10, 15-17, 19 and 20 include all the limitations of their corresponding independent claim. As set forth above, the purported combination of *Deen, Gupta* and *McChesney* cannot support a rejection of claims 4, 11 and 18 under Section 103. *Dillingham, Nori* and *Harrison* do not overcome the deficiencies of *Deen, Gupta* and *McChesney*.

Dillingham is relied on for its alleged teaching of transmitting an HTML page if a container is not identified within an HTTP path name. (Office Action, p. 5.) *Nori* is relied on for allegedly teaching "administrative data is a snapshot of [a] prescribed value." (Office Action, p. 6.) *Harrison* is relied on for its alleged disclosure of "changing a value of the server with the HTTP path name." (*Id.*) But none of *Dillingham*, *Nori* and *Harrison* disclose or suggest that above-identified features of claim 4 missing from *Deen*, *Gupta* and *McChesney*. Accordingly, when *Deen*, *Gupta*, *McChesney*, *Dillingham*, *Nori* and *Harrison* are taken individually or in any proper combination, these references cannot support a rejection of claims 8-10, 15-17, 19 and 20 under Section 103. Claims 8-10, 15-17, 19 and 20 are, therefore, allowable over the applied references.

Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims.

If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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